

Date of Public Hearing: July 28, 2010

**PLANNING COMMISSION
PUBLIC HEARING**

SUBJECT: REQUEST OF KEN AND STEPHANIE REYNOLDS TO WITHDRAW
PARCEL PIN# 611-46-7879-000 FROM THE NEW AIRMONT
AGRICULTURAL & FORESTAL DISTRICT

ELECTION DISTRICT: BLUE RIDGE

CRITICAL ACTION DATE: NOVEMBER 20, 2010

STAFF CONTACT: PATRICK RYAN, ECONOMIC DEVELOPMENT

RECOMMENDATIONS:

Agricultural District Advisory Committee (ADAC): The Agricultural District Advisory Committee (ADAC) recommends that the Planning Commission and the Board of Supervisors approve the request of Ken and Stephanie Reynolds to withdraw their 20.00 acre parcel (PIN: 611-46-7879-000) from the New Airmont Agricultural and Forestal District.

BACKGROUND

In a letter dated May 17, 2010, Ken and Stephanie Reynolds requested that their 20.00 acre parcel (PIN: 611-46-7879-000) be withdrawn from the New Airmont Agricultural and Forestal District (Attachment 1). The Code of Virginia (15.2-4314.A) allows a landowner to petition to remove land from a District between renewal periods for “good and reasonable cause” (Attachment 2). The current term of the New Airmont Agricultural and Forestal District expires on June 2, 2012 (Attachment 3). A map is included as Attachment 4.

Mr. and Mrs. Reynolds have indicated in their letter that they have encountered severe economic hardship over the last three years and need to take advantage of any opportunity to sell a portion of their land.

An application for the addition of parcel PIN: 611-46-7879-000 to the New Airmont Agricultural and Forestal District was submitted in 2003 and approved for addition during the district renewal in 2004 (Attachment 5). The parcel again renewed with the District in 2008. The parcel was not subsequently, and is not currently, enrolled in the Land Use Program (Attachment 6).

Pursuant to Title 15.2 Chapter 4314.A of the Code of Virginia, at any time after the creation of a district, any owner of land lying in such district may file with the Board of Supervisors a written request to withdraw all or part of their land from the district for

good and reasonable cause. The Board of Supervisors shall refer the request to the Planning Commission and the Agricultural District Advisory Committee for their recommendations and shall hold a public hearing as prescribed by law.”

SUGGESTED MOTION

1. I move that the Planning Commission adopt a recommendation to approve the request of Ken and Stephanie Reynolds to withdraw parcel PIN: 611-46-7879-000 from the New Airmont Agricultural and Forestal District.

OR

2. I move that the Planning Commission adopt a recommendation to deny the request of Ken and Stephanie Reynolds to withdraw parcel PIN: 611-46-7879-000 from the New Airmont Agricultural and Forestal District.

OR

3. I move an alternate motion . . .

ATTACHMENTS

1. Letter from Ken and Stephanie Reynolds requesting to withdraw parcel PIN: 611-46-7879-000 from the New Airmont Agricultural and Forestal District
2. Code of Virginia §15.2-4314. Withdrawal of land from a district; termination of a district
3. New Airmont Agricultural and Forestal District Ordinance
4. Map of PIN: 611-46-7879 and the New Airmont Agricultural and Forestal District
5. Application for the Addition of Parcel PIN: 611-46-7879-000 to the New Airmont Agricultural and Forestal District
6. Parcel PIN: 611-46-7879-000, 2010 Real Estate Assessment

Attachment 1:

Letter from Ken and Stephanie Reynolds requesting to withdraw parcel PIN: 611-46-7879-000 from the New Airmont Agricultural and Forestal District

Charles K and Stephanie J Reynolds
18022 Yellow Schoolhouse Road
Round Hill VA 20141
540-554-8491
ckrinc@aol.com

17 May 2010

Dear Sirs/Madams,

In 1987, we bought our home in Round Hill (parcel 611467879) which includes 20 acres and a 1780's stone house.

When we bought our house, we intended to live here through retirement. We have lovingly renovated the main structure and built an additional barn/garage.

When the Airmont Agricultural District was created, we signed on as we wanted to help preserve open space which we saw leaving our area.

Unfortunately, the last 3 years have been incredibly tough in our industry; we are independent clothing sales representatives. Our annual income has been cut more than 80% and we are quickly depleting our savings. We want to keep our home and need the flexibility to consider alternatives for our property. We are afraid that without the flexibility to sell off some land that we will have to sell our home.

Therefore we respectfully request permission to withdraw from the Airmont Agricultural District.

Thank you for your consideration.

Best Regards

Ken and Stephanie Reynolds

Attachment 2:

Code of Virginia §15.2-4314. Withdrawal of land from a district; termination of a district.

A. At any time after the creation of a district within any locality, any owner of land lying in such district may file with the locality a written request to withdraw all or part of his land from the district for good and reasonable cause. The local governing body shall refer the request to the local planning commission and the advisory committee for their recommendations and shall hold a public hearing. Land proposed to be withdrawn may be reevaluated through the Virginia or local Land Evaluation and Site Assessment (LESA) System. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to clause (v) of subdivision 1 of § [15.2-4307](#) or § [15.2-4311](#).

B. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in § [58.1-3237](#). Sale or gift of a portion of land in a district to a member of the immediate family as defined in § [15.2-2244](#) shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

C. Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of subsection B of § [15.2-4312](#).

D. Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the local governing body and the local commissioner of the revenue within two years of the date of death of the owner.

E. Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the local governing body shall submit a copy of the ordinance or notice of withdrawal to the local commissioner of revenue, the State Forester and the State Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the local governing body shall delete the identification of such parcel from the zoning map, where applicable.

F. The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to § [15.2-4311](#) of this chapter.

(1977, c. 681, § 15.1-1513; 1979, c. 377; 1985, c. 13; 1987, c. 552; 1997, c. [587](#); 2000, c. [521](#).)

Attachment 3:

ADDENDUM TO
 NEW AIRMONT AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE
 October 14, 2008

On October 14, 2008, the Board of Supervisors approved the addition of the following parcels to the New Airmont Agricultural and Forestal District Ordinance.

Tax Map	PIN	Owner	Acres
/43//12/////1/	587304902000	HITCHCOCK, AMY L	10.96

NEW AIRMONT AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE

June 2, 2008
 adopted May 6, 2008

I. PURPOSE

It is hereby declared to be the policy of the County of Loudoun to conserve, protect, and to encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the County of Loudoun to conserve and protect agricultural and forestal lands as valued natural and ecological resources, which provide essential open spaces for clean air sheds, as well as for aesthetic purposes. It is the purpose of this Ordinance to provide a means by which agricultural and forestal land may be protected and enhanced as a viable segment of the County's economy and as an economic and environmental resource of major importance, pursuant to Title 15.2, Chapter 43 of the Code of Virginia (1950), as amended.

II. CREATION OF DISTRICT

The New Airmont Agricultural and Forestal District (hereinafter referred to as the District) is hereby created for a period of four (4) years, beginning June 2, 2008, in accordance with the provisions of Title 15.2, Chapter 43, Sections 15.2-4300 through 15.2-4314, Code of Virginia (1950) as amended.

The District shall consist of 654 acres more or less and include the following parcels:

PIN	Tax Map	Landowner	Acres
525254868000	/44//17/////7/	SHAMBAUGH, J JR & V WORTHINGTON R/S	38.78
525457516000	/44//17/////5/	CARPENTER, JENNIFER & SCOTT ET AL	24.67
556106861000	/44//17/////2/	CHAPMAN, VAL L & ARLENE P R/S	33.71
556207657000	/44//17/////1/	GALLMAN, KENNETH L & JACQUELINE R/S	24.45
556300868000	/35/////////87/	MCGINNIS, DANIEL L & ARLENE M R/S	23.85
557306646000	/44//17/////6/	BAUER, GERHARD H & MARGITTA R/S	36.13
557477025000	/43/////////59/	STERRETT, KAY F & MARGARET B RS J-T	72.52
558157565000	/43//9/////1/	STEINER, DOUGLAS R TRUSTEE	14.24
558265503000	/43/////////55A	GATES, ERNESTNE H W	5.66
585105180000	/43/////////65/	HORNING, GLENN & LOLA	128.50
585298433000	/43/////////2/	KOTT, ROBERT J & BARBARA L R/S	4.34
586291994000	/43//6/////3/	TOWE, JAMES L & ELEANOR C	12.90
586298968000	/43/A/1/////7/	TOWE, JAMES L & ELEANORE C	5.74
586367794000	/43//6/////7/	TOWE, JAMES L & ELEANOR C	14.79

586373283000	/43///6////6/	TOWE, JAMES L & ELEANOR C	10.45
586376853000	/43///6////5/	TOWE, JAMES L & ELEANOR C	11.11
586383228000	/43///6////4/	TOWE, JAMES L & ELEANOR C	16.67
586392654000	/43///6////2/	TOWE, JAMES L & ELEANOR C	11.91
586469849000	/43///6////8/	TOWE, JAMES L & ELEANOR C	10.29
586493517000	/43///6////1/	TOWE, JAMES L & ELEANOR C	13.09
587174657000	/43////////21/	OGDEN, LEVI J & NANCY E	16.52
611100231000	/42////////73/	WISKER, HENDRIKUS P & MARY W SNYDER	63.55
611467879000	/42////////68A	REYNOLDS, CHARLES K & STEPHANIE R/S	20
612394260000	/42////////74A	LYLES, LEWIS E & WINIFRED J R/S	40

III. EFFECT OF DISTRICT

A. All provisions of the Loudoun County Zoning and Subdivision Ordinance shall be applicable within the District, but only to the extent that such ordinances are not in conflict with the purposes of Title 15.2, Chapter 43 of the Code of Virginia (1950) as amended. All land use planning decisions, special exceptions, special use permits and variances affecting any parcel of land within or adjacent to the District shall take into account the existence of the District and purposes and policies of this Ordinance. It is further required that any subdivisions or adjustments to parcels in the district meet the current zoning requirements or a minimum of 20 acres, whichever is greater.

B. Land used in agricultural and forestal production within the District shall automatically qualify for an agricultural or forestal value assessment on such land pursuant to Sections 58.1-3230 et seq. of the Code of Virginia (1950) as amended, if the requirements for such assessment contained therein are satisfied, whether or not the Loudoun County Land Use Assessment Ordinance is in effect.

C. All other applicable provisions of Title 15.2, Chapter 43 of the Code of Virginia (1950), as amended, are incorporated in this Ordinance and made a part hereof.

IV. REVIEW OF ORDINANCE

The Board of Supervisors shall initiate review of the District at least 90 days prior to June 2, 2012 in order to determine whether to terminate, modify or continue the District. The Board shall request the recommendations of the Planning Commission and the Agricultural District Advisory Committee in conducting such review.

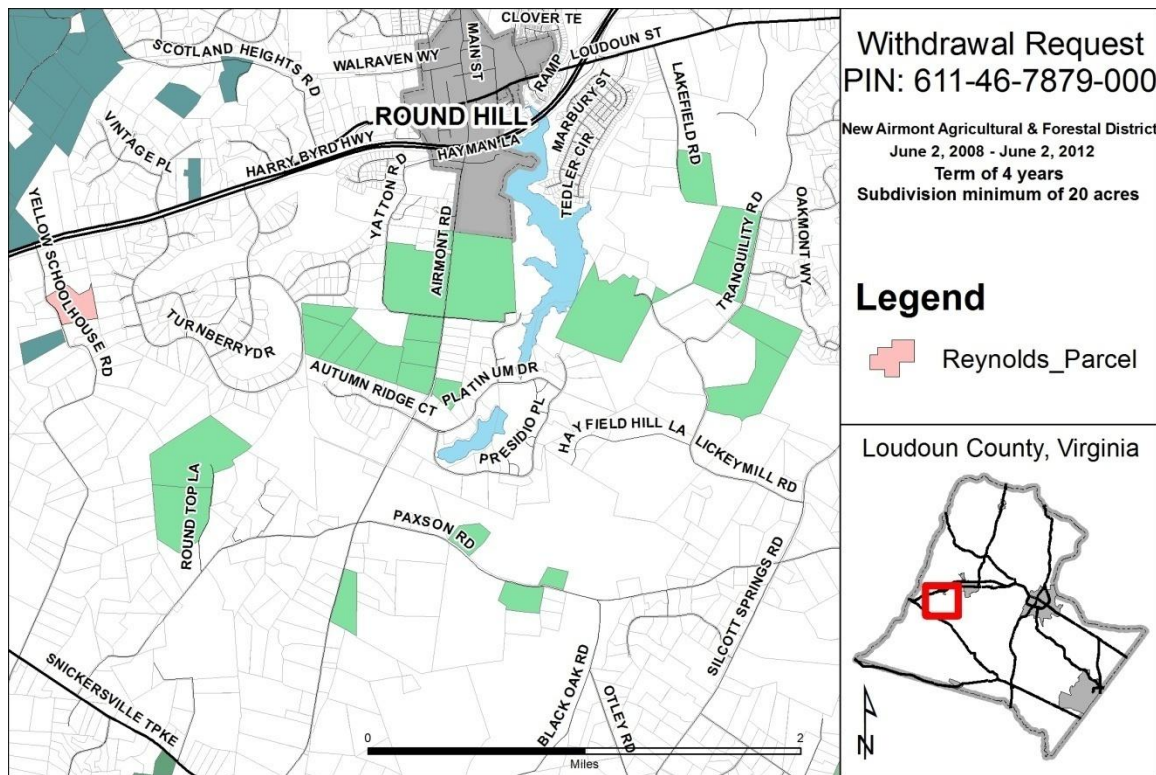
V. DISCONTINUANCE OF ASSOCIATION IN DISTRICT

Any owner of land lying in the District may request, in writing, termination and withdrawal of his property in accordance with Section 15.2-4314 of the Code of Virginia (1950) as amended. If denied favorable action by the Board of Supervisors the landowner shall have an immediate right of appeal de novo to the circuit court. The termination of any owner's association in the District for any reason shall not in itself serve to terminate the existence of the District.

Any heir at law or devisee of any owner of land lying within the District shall as a matter of right, be entitled to withdraw from the District within two years of the date of death of the owner and upon written notice of withdrawal to the Board of Supervisors and the Commissioner of the Revenue.

When the Board of Supervisors reviews the District at the end of the four-year term, land within the District may be withdrawn by filing a written notice before the Board of Supervisors acts to continue, modify or terminate the District.

Attachment 4:



Attachment 5:
 Application for the Addition of Parcel PIN: 611-46-7879-000 to the New Airmont
 Agricultural and Forestal District

From: Stephanie and Ken Reynolds To: Agricultural and Forestal Dist

Date: 10/6/2003 Time: 2:56:00 PM

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APPLICATION FOR THE ADDITION OF LAND TO AN
 AGRICULTURAL AND FORESTAL DISTRICT

Application Due Date is October 3, 2003
Airmont 2004 Term

IMPORTANT NOTICE TO APPLICANTS

- Separate application required for each parcel.
- All pages of application must be completed, or application may not be considered.
- All landowners must sign below and signatures must be witnessed by separate signature.
- Submission of application and eligibility to join a District does not guarantee approval.
- Additions of land during a time other than a District renewal period will begin around or about November 1 of every year. Applications will be reviewed for eligibility, and all landowners will be contacted by 1st class mail that the process for adding land to the Districts has begun. Applications are referred to the Agricultural District Advisory Committee for its recommendation to the Planning Commission. The Planning Commission holds a public hearing and makes a recommendation to the Board of Supervisors. The Board of Supervisors hold a public hearing and takes action – approve or deny – the additions.
- Return completed applications to the following address: Loudoun County Dept of Economic Development, P.O. Box 7000, Leesburg, VA 20177 or FAX: 703-771-5363.
- If you have questions, contact the Department of Economic Development at 703-777-0426.

Tax Map/Parcel	MCE/PIN	Property Address	Acreage
42 11116A	611467879	18022 Yellow Schoolhouse Rd Round Hill VA 20141	20
Landowner 1 Name	Charles Kenneth Reynolds		
Landowner 1 Address	18022 Yellow Schoolhouse Rd Round Hill VA 20141		
Landowner 1 Phone Number	(540) 554 8491		
Landowner 1 Email (if available)	ckrinc @ aol. com		
Landowner 1 Signature	<i>Charles K. Reynolds</i>		
Landowner 1 Witness Signature	<i>Stephanie J. Reynolds</i>		
Landowner 2 Name	Stephanie Justice Reynolds		
Landowner 2 Address	18022 Yellow Schoolhouse Rd Round Hill VA 20141		
Landowner 2 Phone Number	(540) 554 8491		
Landowner 2 Email (if available)	ckrinc @ aol. com		
Landowner 2 Signature	<i>Stephanie J. Reynolds</i>		
Landowner 2 Witness Signature	<i>Charles K. Reynolds</i>		

Attach separate sheet as necessary for additional landowners.

For Office Use Only		Date Received:
Referred to Advisory Committee	11-18-03	District(s) Eligible
Planning Commission Public Hearing	12-17-03	Airmont
Board of Supervisors Public Hearing	FEB 10 2004	Addition
Eligible by:		Adjacency
		Within 1mi
Approve	Reject	Modify

From: Stephanie and Ken Reynolds To: Agricultural and Forestal Dist

Date: 10/8/2003 Time: 2:58:00 PM

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**FOR APPLICATION TO BE CONSIDERED
 ALL SECTIONS BELOW MUST BE COMPLETED**

Please Check (✓) which Use-Value Category the Property is in Now
 (for Land Use tax deferment)

<input type="checkbox"/> None	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Horticulture	<input type="checkbox"/> Forestry	<input type="checkbox"/> Open Space
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Do you plan to continue the same land use in the next tax year? (Circle one) YES NO

If NONE currently, do you plan to apply for a different use next tax year? (Circle one)

NO YES-Agriculture YES-Horticulture YES-Forestry YES-Open Space

Survey of Current or Planned Future Uses of Land

Crop (check all that apply) Type Approximate Acres

- ☐ Agricultural crop(s) _____
- ☐ Horticultural crop(s) _____
- ☐ Forestry _____
- ☐ Livestock (note number) _____
- ☐ Horses (note business/pleasure and number) _____
- ☒ Environmental Stewardship
 (explain stewardship activity — use space below)

We have left a large part of our property wooded and natural. We do not garden with pesticides.

Land Management Practices

(check which land management practices you use)

- ☒ Reduce or prevent soil erosion
- ☐ Maintain fertility by application of nutrients
- ☒ Control brush, woody growth and noxious weeds
- ☐ Other (Describe)

From: Stephanie and Ken Reynolds To: Agricultural and Forestal Dst

Date: 10/6/2003 Time: 2:58:00 PM

Page 1 of 3

FACSIMILE COVER PAGE

To : Agricultural and Forestal Dst

From : Stephanie and Ken Reynolds

Sent : 10/06/03 at 2:55:54 PM

Pages : 3 (including Cover)

Subject : land use application

Dear Sirs/Madams,

Please pardon the lateness of our application. My husband and myself unearthed your letter on our desk. Sorry.
Please call with any questions.

Regards

Stephanie Reynolds

Attachment 6:
Parcel PIN: 611-46-7879-000, 2010 Real Estate Assessment

Real Estate Tax, Assessment & Parcel Database

Loudoun County Real Estate Tax, Assessment & Parcel Database

[Home](#) | [Search By](#) | [Contact Us](#)

See Assessment for year **2010**

Real Estate Assessment - 2010

Owner and Legal - Residential

New Map

Map It

Recent Sales

Tax History

Agricultural District - NEW AIRMONT. Contact the Department of Economic Development for subdivision restrictions and additional information 703 777 0426.

PIN: 611-46-7879-000 Tax Map Number: /42////////68A Year: 2010	Property Address 18022 YELLOW SCHOOLHOUSE RD ROUND HILL VA 20141
Current Owner Name/Address ⓘ REYNOLDS, CHARLES K & STEPHANIE R/S 18022 YELLOW SCHOOLHOUSE RD ROUND HILL VA20141-2149	Current Description NR ROUND HILL 1245--446 GIFT Acreage: 20.00
Land Book Owner As of Jan 1, 2010 REYNOLDS, CHARLES K & STEPHANIE R/S 18022 YELLOW SCHOOLHOUSE RD ROUND HILL VA 20141-2149	Land Book Description NR ROUND HILL 1245--446 GIFT Acreage: 20.00

Sales Information/Group# 122

Recordation Date: 8/13/1993
Sale Price: \$0
Most recent Deed Book/page: 1245--446
Deed Year: 1993

Total Parcel Assessment Information

As of Jan 1st:
Land: \$318,000
Improvement: \$424,800
Fair Market Total: \$742,800
Land Use: \$0

Miscellaneous

State Use Classification: FARM 20-99.99 AC Billing District: BLUE RIDGE Election District: BLUE RIDGE Affordable Dwelling Unit: NO	Agricultural District: NEW AIRMNT County Historic District: Tax District: Tax Code: TAXABLE
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Structure Information As Of Current Date

Structure Information #1

Assessment: \$424,800 Year Built: 1111 Total Living Area: 2,112 Occupancy Code: SINGLE FAM	Address: 18022 YELLOW SCHOOLHOUSE RD ROUND HILL VA 20141
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Reynolds Request to Withdraw Land from the New Airmont AFD
 Planning Commission Public Hearing
 July 28, 2010
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Real Estate Tax, Assessment & Parcel Database

Primary Area Construction: SOLID STONE Stories: 1.0 Attic: YES Basement: YES Area Square Feet: 1040	<table><tr><th>Structure Feature</th><th>Structure Type</th><th>Area Sq Ft</th></tr><tr><td>Porch</td><td>FRAME ENCL PORCH 1ST</td><td>220</td></tr><tr><td>Porch</td><td>WOOD DECK</td><td>260</td></tr><tr><td>Porch</td><td>OPEN POR/COV 1 STY</td><td>55</td></tr><tr><td>Porch</td><td>FR OPEN POR/BSMT 1ST</td><td>114</td></tr><tr><td>Misc Improv</td><td>CORNCRIB/COOP</td><td>476</td></tr><tr><td>Misc Improv</td><td>IST/LOFT BARN</td><td>1200</td></tr><tr><td>Misc Improv</td><td>SHED</td><td>270</td></tr></table>	Structure Feature	Structure Type	Area Sq Ft	Porch	FRAME ENCL PORCH 1ST	220	Porch	WOOD DECK	260	Porch	OPEN POR/COV 1 STY	55	Porch	FR OPEN POR/BSMT 1ST	114	Misc Improv	CORNCRIB/COOP	476	Misc Improv	IST/LOFT BARN	1200	Misc Improv	SHED	270
Structure Feature	Structure Type	Area Sq Ft																							
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Misc Improv	IST/LOFT BARN	1200																							
Misc Improv	SHED	270																							
Additional Living Area Construction: STUCCO WD Stories: 2.0 Attic: NO Basement: YES Area Square Feet: 285	Additional Living Area Construction: WOOD FRAME Stories: 1.0 Attic: YES Basement: NO Area Square Feet: 192																								
Additional Living Area Construction: STUCCO WD Stories: 1.0 Attic: NO Basement: YES Area Square Feet: 50	Additional Living Area Construction: Stories: Attic: Basement: Area Square Feet: 0																								
Basement Total Basement: 1375 Finished Basement: 1375 Basement Entrance: NO	Bath Count 1/2 Bath: 0 Full Bath: 4																								
Heating Heat Type: FORCED AIR Air Conditioning: NO Fuel Type: OIL	Fireplaces House Openings: 3 Basement Openings: Chimneys: 2 Woodstoves:																								

Date of Query: 5/24/2010